

REGINA JACKSON,)	
)	
)	
Plaintiff,)	C.A. No.:
)	
v.)	
)	
ASHFORD)	
UNIVERSITY,)	COMPLAINT AND DEMAND FOR
)	JURY TRIAL
Defendant.)	

REGINA JACKSON (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against ASHFORD UNIVERSITY (“DEFENDANT”):

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act, 47 U.S.C. §227.

2. Jurisdiction of this Court arises under 28 U.S.C. § 1331. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

3. Defendant regularly conducts business in the State of Delaware, thus, personal jurisdiction is established.

1 14. Plaintiff knew that Defendant was using an automated telephone
2 dialing system because the calls would begin with a pre-recorded voice: "Please
3 hold" before the calls would be transferred to live agents.
4

5 15. Defendant's telephone calls were not made for "emergency purposes;"
6 rather, Defendant was attempting to contact Plaintiff regarding their educational
7 programs.
8

9 16. It was annoying and frustrating for Plaintiff to be called on her cellular
10 telephone with such frequency.

11 17. Desiring to stop the repeated telephone calls, on more than one
12 occasion in the fall of 2015 and 2016, Plaintiff spoke with Defendant's callers to
13 advise them she no longer wanted to be contacted on her cellular telephone, and
14 told Defendant she was not interested in their educational programs, thereby
15 revoking any consent that may have been previously given to Defendant to contact
16 her on this number.
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18 18. Once Defendant was informed that that its calls were unwanted and to
19 stop, there was no lawful purpose to making further calls, nor was there any good
20 faith reason to place calls.
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22 19. Defendant heard and acknowledged Plaintiff's instructions to stop
23 calling her.
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1 20. However, Defendant refused to update its records to restrict telephone
2 calls to Plaintiff's cellular telephone.

3 21. Defendant continued to call Plaintiff on her cellular telephone multiple
4 times per week.

5 22. After Plaintiff's requests to stop the calls were ignored by Defendant,
6 she had no other reasonable alternative but to block calls from Defendant's phone
7 numbers.
8

9 23. Upon information and belief, Defendant conducts business in a
10 manner which violates the TCPA.
11

12 **DEFENDANT VIOLATED THE TELEPHONE CONSUMER**
13 **PROTECTION ACT**

14 24. Plaintiff incorporates the forgoing paragraphs as though the same were
15 set forth at length herein.
16

17 25. Defendant initiated multiple automated telephone calls to Plaintiff's
18 cellular telephone number.

19 26. Defendant's initiated these automated calls to Plaintiff using an
20 automatic telephone dialing system.
21

22 27. Defendant repeatedly placed non-emergency calls to Plaintiff's
23 cellular telephone.
24

1 28. Under § 227(b)(3)(A) of the TCPA, a person or entity may bring a
2 private cause of action in an appropriate court based on a violation of the TCPA or
3 the regulations prescribed under the TCPA to enjoin such violation.
4

5 29. Under § 227(b)(3)(B) of the TCPA, a person or entity may bring a
6 private cause of action in an appropriate court “to recover for actual monetary loss
7 from such a violation, or to receive \$500 in damages for each such violation
8 whichever is greater.”
9

10 30. Based upon the conduct of Defendant, Plaintiff avers that the
11 enhancement of damages provided for by the TCPA allowing for Plaintiff to
12 recover up to \$1,500 per call/violation be applied to calls placed.
13

14 31. Defendant’s conduct violated § 227(b)(1)(A)(iii) of the TCPA by
15 placing repeated calls using an automatic telephone dialing system to Plaintiff’s
16 cellular telephone.
17

18 32. Defendant’s calls to Plaintiff’s cellular telephone were not made with
19 Plaintiff’s prior express consent.

20 33. Defendant’s acts as described above were done with malicious,
21 intentional, willful, reckless, wanton and negligent disregard for Plaintiff’s rights
22 under the law and with the purpose of harassing Plaintiff.
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1 RESPECTFULLY SUBMITTED,

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3 Dated: August 19, 2016

4 By: /s/ W. Christopher Componovo
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